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**HONOURABLE SRI JUSTICE B.PRAKASH RAO
AND
HONOURABLE SRI JUSTICE RAMESH RANGANATHAN**

WRIT PETITION NO:20536 of 2006

DATED: 29-09-2006

Between:

G.Rajesham

..... PETITIONER

AND

1. The Secretary, Regional Transport Authority, Karimnagar, Karimnagar District and another

.....RESPONDENTS

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ORDER:(per Hon'ble Sri Justice B.Prakash Rao)

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Heard both sides, and at their request, the main writ petition itself is taken up for disposal.

The petitioner who claims to be the owner of the Tractor-cum-Trailor bearing Registration Nos.AP 15/T-6028 and AP 15/T-6029, files this writ petition *inter alia* seeking for a mandamus assailing the

orders of seizure of the vehicle as per the Vehicle Check Report No.0331969 dated 24-08-2006.

Though several contentions are sought to be urged with regard to the very correctness of such seizure and in regard to the allegations as made in the check report itself, however, all these questions are subject matter of the enquiry that would be conducted by the competent authority.

Learned counsel for the petitioner submits that the tractor-cum-trailor is being used only for agricultural purpose, and hence, there is no need for tax during the course of enquiry.

The petitioners are at liberty to raise all the objections and also to file appropriate objections during the course of enquiry, which would be considered and disposed of in accordance with law, and pending disposal, the vehicle shall be released subject to payment of the tax. It is needless to mention that any payment that would be made shall always be subject to the ultimate result in the enquiry and even in regard to the exemption as pleaded by the learned counsel, it is also needless to mention that in the event it is found that the vehicle is being used only for agricultural purpose, the tax being paid as per the orders of this Court shall be refunded forthwith.

The writ petition is accordingly disposed of. However, in the circumstances, without costs.

B.PRAKASH RAO, J

RAMESH RANGANATHAN, J

29th September, 2006

SKM